

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

Jose A. Cruz-Kerkado, *et al.*
Plaintiffs
v.
Commonwealth of Puerto Rico, *et al.*
Defendants

CIVIL ACTION

Case No 3:16-cv-2748
Constitutional Rights

**MOTION FOR LEAVE TO FILE AMENDED COMPLAINT
AND WITHDRAW WITHOUT PREJUDICE CAUSES OF ACTION
ONE, FOUR & FIVE**

To the Honorable Court:

COMES NOW, the Plaintiff by and through the undersigned counsel and pursuant to Rule 15 (a) (1) (A), Rule 15 (a) (1) (B) and Rule 15 (a) (2) of the Federal Rules of Civil Procedure, file this *Motion for Court's Leave to file Amended Complaint and Withdraw without prejudice Causes of Action One, Four and Five*. Plaintiffs Amended Complaint is based on Causes Two and Three.

Plaintiffs humbly ask for Court's leave to file an *Amended Complaint* to simplify each of its claims more succinctly due to important constitutional issues. Plaintiffs' *Amended Complaint* limits the scope of controversies by withdrawing *without prejudice* causes of actions which includes: Cause of Action One (Invasion of Privacy), Cause of Action Four (Restriction on Interstate Commerce/Travel) and Cause of Action Five (State Claim (Tort) against the PRSA). The *Amended Complaint* makes explicit the Second Amendment constitutes grounds upon which sections of the Puerto Rico Weapons Act are now challenged on basis that a sports target-shooting permit scheme infringes the Second Amendment, encroaches plaintiffs' right to Freely Associate and infringes Second Amendment with an unlawful Internal Revenue Stamp Tax on Conceal Carry Process, meant to discourage self-defense, which amounts to an excessive 323% tax on the Conceal Carry filing fee.

The Amended Complaint is attached as Exhibit to this Motion and is based on the Original Complaint's (Docket No. 1) Causes of Action Two and Three. All other original claims are now voluntarily withdrawn without prejudice, in an effort to streamline and simplify the controversy.

WHEREFORE, for the reasons set forth herein, plaintiff moves the Court for an Order accepting the *Amended Complaint* and permits withdraw *without prejudice* Causes of Actions One, Four, and Five which relates to Invasion of Privacy, Interference with Interstate Commerce/Travel and State Claim for Intentional Infliction of Emotional Distress, while permitting Causes Two and Three to continue with an Amended Complaint, with other the causes withdrawn *without* prejudice.

In San Juan, Puerto Rico, this 4th. Day of January 2017.

Respectfully submitted,

/S/ Humberto Cobo-Estrella, Esq.

Humberto Cobo-Estrella, Esq.

USDC-PR230108

PO Box 366451

San Juan, Puerto Rico 00936-6451

Tel. (787) 200-2715

Email: hcobo@hcounsel.com

CERTIFICATE OF SERVICE

I hereby certify that on January 4, 2017, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an operation of the Court's electronic filing system. Parties may access this filing through the Court's system. I further certify that a copy of the foregoing pleading and the Notice of Electronic Filing has been served by ordinary U.S. mail upon all parties for whom counsel has not yet entered an appearance electronically.

/S/ Humberto Cobo-Estrella, Esq.

Attorney for the Plaintiff